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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,457	06/26/2003	David A. Levine	60027.0202US01/BS02360	3483
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MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,457

Applicant(s)

LEVINE, DAVID A.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1, 2, 4, 5, 8-10 and 16-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Merwin et al. (US 6, 731, 725 B1).

Regarding **claim(s) 1**, Merwin discloses a method of storing and accessing information to and from a remote voice information system (FIG. 1 and column 1, lines 32-36), comprising:

placing a call to a voice information application (column 5, lines 29-31);
routing the call to a network component (column 5, lines 32-34);
receiving the call at the network component (column 5, lines 35-40);
connecting the call to the voice information application (column 5, lines 41-44);
receiving a voice information message from a subscriber placing the call (column 5, lines 56-60);

storing the voice information message for subsequent retrieval by the subscriber (column 5, line 63 to column 6, line 2); and

indexing the stored voice information message for locating the stored voice information by the voice information application (column 5, line 63 to column 6, line 2).

Regarding **claim(s) 2**, Merwin discloses a method of storing and accessing information to and from a remote voice information system, further comprising:

receiving a request for the stored voice information message from the subscriber (column 8, lines 1-5);

locating the requested stored voice information message from a data store of information available to the voice information application (column 8, lines 1-5); and

playing the requested stored voice information message to the subscriber (column 8, lines 31-39).

Regarding **claim(s) 4**, Merwin as discloses a method of storing and accessing information to and from a remote voice information system, whereby placing the call to the voice information application includes placing the call via a wireline telephone (column 8, lines 1-5).

Regarding **claim(s) 5**, Merwin discloses a method of storing and accessing information to and from a remote voice information system, whereby the step of placing

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the call to the voice information application includes placing the call via a wireless telephone (column 8, lines 1-5).

Regarding **claim(s) 8**, Merwin discloses a method of storing and accessing information to and from a remote voice information system, whereby the step of connecting the call to the voice information application includes connecting the call to the voice information application via a computer telephony interface (column 8, lines 1-5).

Regarding **claim(s) 9**, Merwin discloses a method of storing and accessing information to and from a remote voice information system, prior to the step of connecting the call to the voice information application, authenticating a caller placing the call as an authorized subscriber of the voice information application (column 8, lines 1-5).

Regarding **claim(s) 10**, Merwin discloses a method of storing and accessing information to and from a remote voice information system, further comprising:

providing the subscriber a set of voice information application options voice information message and for accessing any previously stored for recording a information (column 8, lines 6-15); and

receiving a voice information application option selection from the subscriber (column 8, lines 6-15).

Regarding **claim(s) 16**, Merwin discloses a method of storing and accessing information to and from a remote voice information system, further comprising providing the selected option to the subscriber (column 8, lines 6-15).

Regarding **claim(s) 17**, Merwin discloses a method of storing and accessing information to and from a remote voice information system, whereby the selected option includes allowing the subscriber to record a voice information message (column 8, lines 6-15).

Regarding **claim(s) 18**, Merwin discloses a method of storing and accessing information to and from a remote voice information system, whereby the selection option includes allowing the subscriber to retrieve and play previously stored voice or text messages (column 8, lines 6-15).

Regarding **claim(s) 19**, Merwin discloses a method of storing and accessing information to and from a remote voice information system, whereby the selected option includes allowing the subscriber to retrieve and play a plurality of stored data (column 8, lines 6-15).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claim(s) 3, 11-14 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Wise et al. (US 5,884,262).

Regarding **claim(s) 29**, Merwin discloses all the limitations of **claim(s) 29** as stated in **claim(s) 1**'s rejection above system for storing and accessing information to and from a remote voice information system (FIG. 1 and paragraph 0002), comprising:

Merwin discloses a system for audio reminder messages stored on a computerized voice message storage and redelivery system but fails to disclose parsing a data store of information for voice information responsive to the selected voice information option.

However, Wise in the same field of endeavor teaches to parse a data store of information for voice information responsive to the selected voice information option (column 6, lines 35-57).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Merwin using the teaching of a parser software program as taught by Wise.

This modification of the invention enables the system to parse a data store of information for voice information responsive to the selected voice information option so that the system would interpret the user command and navigate based on the command.

Regarding **claim(s) 3**, Wise teaches receiving a request for a stored text information message (FIG. 2 and column 5, lines 45-58);

locating the requested stored text information in a data store of information available to the voice information application (FIG. 2 and column 6, lines 39-57); and

converting the requested stored text information message from a text format to an audio format (FIG. 2 and column 7, lines 37-41).

Regarding **claim(s) 11**, Wise teaches after providing the subscriber a set of voice information application options, allowing the subscriber to navigate through the set of voice information options by selection of telephone keypad keys associated with navigation functionality (FIG. 2 and column 7, lines 56-63).

Regarding **claim(s) 12**, Wise teaches allowing the subscriber to navigate through a set of voice information application options via voice commands from the subscriber (FIG. 2 and column 7, lines 56-63).

Regarding **claim(s) 13**, Wise teaches the step of receiving a voice information application option selection from the subscriber includes receiving the voice information application option via a DTMF tone generated from a telephone keypad selection from the subscriber (FIG. 2 and column 7, lines 56-63).

Regarding **claim(s) 14**, Wise teaches the step of receiving a voice information application option selection from the subscriber includes receiving the voice information application option selection via a voice command from the subscriber (FIG. 2 and column 7, lines 56-63).

Regarding **claim(s) 20**, Wise teaches the selection option includes allowing the subscriber to search a data store of available information that may be retrieved by the subscriber telephonically in audio format (FIG. 2 and column 6, lines 52-58).

Regarding **claim(s) 32**, Merwin as modified discloses a system for storing and accessing information to and from a remote voice information system, whereby the voice information application is further operative to receive a request for stored voice information from the subscriber (column 3, lines 1-5);

to locate the requested stored voice information from a data store of information available to the voice information application (column 3, lines 1-5); and

to play the requested stored voice information to the subscriber (column 3, lines 1-5).

Regarding **claim(s) 33**, Merwin as modified discloses a system for storing and accessing information to and from a remote voice information system, whereby the voice information application is further operative to authenticate a caller placing the call as an authorized subscriber of the voice information application (column 3, lines 1-5).

Regarding **claim(s) 34**, Merwin as modified discloses a system for storing and accessing information to and from a remote voice information system, whereby the selected option includes allowing the subscriber to record a voice information message (column 3, lines 1-5).

Regarding **claim(s) 35**, Merwin as modified discloses a system for storing and accessing information to and from a remote voice information system, whereby the selection option includes allowing the subscriber to retrieve and play previously stored voice or text messages (column 3, lines 1-5).

Regarding **claim(s) 36**, Merwin as modified discloses a system for storing and accessing information to and from a remote voice information system, whereby the

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selected option includes allowing the subscriber to retrieve and play a plurality of stored data (column 3, lines 1-5).

Regarding **claim(s) 37**, Wise teaches the selection option includes allowing the subscriber to search a data store of available information that may be retrieved by the subscriber telephonically in audio format (FIG. 2 and column 6, lines 40-51 and column 7, lines 34-37).

6. **Claim(s) 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Hartselle et al. (US 2004/0213385 A1) .

Regarding **claim(s) 6**, Merwin as applied to **claim(s) 1** differs from **claim(s) 6** in that it fails to disclose the step of routing the call to an intelligent network component includes routing the call to the voice information application.

However, Hartselle teaches the step of routing the call to an intelligent network component includes routing the call to the voice information application at a telecommunications system services node (FIG. 1 and paragraph 0021).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the PSTN and the server of Gilbert using the advanced intelligent network and the voice mail system as taught by Hartselle.

This modification of the invention enables the system to route the call to the voice information application at a telecommunications system services node so that the user would have the convenience to review the saved information (Hartselle: paragraph 0005).

Regarding **claim(s) 7**, Hartselle teaches whereby the services node includes a voice services node (FIG. 1 and paragraph 0021).

7. **Claim(s) 21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of wise as applied to **claim(s) 20** above, and further in view of Hartselle.

Regarding **claim(s) 21**, Hartselle teaches prior to receiving a request for a stored text information message, storing one or more text information messages for access by the voice information application (FIG. 4 and paragraph 0050).

Regarding **claim(s) 22**, Hartselle teaches storing one or more text information messages includes storing one or more text information messages via an Internet-based web server whereby the web server is accessible by the voice information application (FIG. 4 and paragraph 0050).

Regarding **claim(s) 23**, Hartselle teaches accessing the Internet-based web server by the subscriber for modifying information telephonically accessible by the subscriber via the voice information application (FIG. 4 and paragraph 0050 and 0051).

8. **Claim(s) 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Wise as applied to **claim(s) 14** above, and further in view of Johnstone et al. (US 4,462,080).

Regarding **claim(s) 15**, Merwin in combination with Wise as applied to **claim(s) 14** differ from **claim(s) 15** in that it fails to disclose converting the voice command from the subscriber from a voice format to a digital format.

However, Johnstone in the same field of endeavor teaches converting the voice command from the subscriber from a voice format to a digital format for processing the voice command by the voice information application (FIG. 4 and column 8, lines 44-57) [The voice interpreter 62 translates voice commands of the operator into digital information by understanding a bit by bit comparison of the digital signal].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Merwin in combination with Wise using the voice interpreter as taught by Johnstone.

This modification of the invention enables the system to convert the voice command from the subscriber from a voice format to a digital format so that the trained

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voice interpreter would recognize the voice commands (Johnstone: column 8, lines 25-30).

9. **Claim(s) 24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Cloutier et al. (US 6,535,586 B1).

Regarding **claim(s) 24**, Merwin discloses all the limitations of **claim(s) 24** as stated in **claim(s) 1**'s rejection but fails to disclose converting the requested voice information message from a text format to an audio format.

However, Cloutier in the same field of endeavor teaches converting the requested voice information message from a text format to an audio format (FIG. 1 and 5 and column 7, lines 11-14).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Merwin using the teaching of user interface as taught by Cloutier.

This modification of the invention enables the system to convert the text message to a speech format so that the user would have easy access to the content of a specific message using a unique code.

Regarding **claim(s) 25**, Merwin discloses a method of storing and accessing information to and from a remote voice information system, prior to the step of connecting the call to the voice information application via a computer telephony

interface, authenticating a caller placing the call as an authorized subscriber of the voice information application (column 3, lines 8-21).

10. **Claim(s) 26 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Cloutier as applied to **claim(s) 25** above, and further in view of Wise.

Regarding **claim(s) 26**, Wise teaches, after providing the subscriber a set of voice information application options, allowing the subscriber to navigate through the set of voice information options, by selection of telephone keypad keys associated with navigation functionality (FIG. 2 and column 7, lines 56-63).

Regarding **claim(s) 27**, Wise teaches allowing the subscriber to navigate through a set of voice information application options via voice commands from the subscriber (FIG. 2 and column 7, lines 56-63).

11. **Claim(s) 28** is rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Cloutier as applied to **claim(s) 24** above, and further in view of Hartselle.

Regarding **claim(s) 28**, Hartselle teaches, prior to receiving a request from the subscriber for voice information accessible by the voice application from a remote server storing at the remote server one or more text information messages for access by the voice information application (FIG. 1 and column 4, lines 3-21).

12. **Claim(s) 30 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Wise as applied to **claim(s) 29** above, and further in view of Cloutier.

Regarding **claim(s) 30**, Merwin in combination with Wise as applied to **claim(s) 29** above differ from **claim(s) 30** in that it fails to disclose the voice information application is further operative to communicate with a remote server to obtain voice information stored at the remote server by the subscriber.

However, Cloutier teaches the voice information application is further operative to communicate with a remote server to obtain voice information stored at the remote server by the subscriber (FIG. 1 and 5 and column 7, lines 19-25).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Merwin using the user interface as taught by Cloutier.

This modification of the invention enables the system to communicate with a remote server to obtain voice information stored at the remote server by the subscriber

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so that the user would have easy access to the content of a specific message using a unique code (Cloutier: column 8, lines 11-13).

Regarding **claim(s) 31**, Wise teaches the voice information application is further operative to pass text-based voice information from the remote server requested by the subscriber to a text-to-speech module for conversion to audio format (FIG. 2 and 5 and column 7, lines 34-41).

Response to Arguments


13. Applicant's arguments with respect to **claim(s) 1-37** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

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December 8, 2005